

# **EXHIBIT B**



**SA Number:**

SA\_02MC\_071823

**Topic:**

Bow Seating Hazard

**Models Affected:**

- 1986–2002 Sunsetter
- 1989–1994 Euro-f3 Sunsetter
- 1990–1993 Mystere 215LX Euro-f3
- 1993–1998 Echelon LX
- 1995–2014 Response LX
- 1998–2003 Sportster LX
- 1999–2006 Sunsetter LXi
- 2002–2007 Sunsetter (23) XTi
- 2003–2008 Sunsetter 21 XTi
- 2003–2011 Response LXi

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5075 Kimberly Way  
Loudon, TN 37774  
865.458.5478

# SERVICE ADVISORY

**Important Safety Notice:**

Dealers, please be aware of a new safety policy that Malibu is implementing to help prevent bow swamping incidents. Malibu now prohibits passengers in the bow area of certain identified models (see list below) while in motion. This reduces the total capacity of these models by two (2) passengers.

Due to the age of some of these models, we are asking for your help identifying affected boats and notifying boat owners. Please see the attached letter that will be sent to registered owners of affected models. If your records indicate that you have customers who own one or more of the affected models, please either provide them with a copy of the attached letter or provide Malibu with their contact information and boat model. Also, please see the instructions below for how you or the boat owner can receive new warning and capacity labels from Malibu at no charge.

**Models Affected:**

- 1986–2002 Sunsetter
- 1989–1994 Euro-f3 Sunsetter
- 1990–1993 Mystere 215LX Euro-f3
- 1993–1998 Echelon LX
- 1995–2014 Response LX
- 1998–2003 Sportster LX
- 1999–2006 Sunsetter LXi
- 2002–2007 Sunsetter (23) XTi
- 2003–2008 Sunsetter 21 XTi
- 2003–2011 Response LXi

**Provide owners of the boat models listed above with the following instructions:**

1. DO NOT allow passengers in the bow area while in motion.
2. Enter boat information at [www.malibuboats.com/safeboating](http://www.malibuboats.com/safeboating). Malibu will send boat owners warning labels and an updated maximum capacity label specific to their boat.
3. Review the enclosed safety information about how to avoid bow swamping.

*Please contact your Technical Representative if you have questions about the new safety policy.*

Issue date: July 18, 2023



Malibu Boats, LLC

5075 Kimberly Drive, Loudon, TN 37774

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**SAFETY ALERT:  
Bow Seating Hazard**

Dear Customer,

A tragic incident occurred with a Malibu Response LX boat. A passenger was washed out of the bow seating area during a bow swamping incident (when water comes over the front of the boat). The passenger was then hit by the propeller and died. The accident involved a 2000 model year Response LX boat that was manufactured by Malibu Boats West, Inc. ("West"). West is not, and has never been, a subsidiary of the Company but was a separate legal entity whose assets were purchased by Malibu Boats LLC in 2006. Malibu was not involved in the design and testing of this model and other models developed by the other company prior to 2006.

To prevent this from occurring again, Malibu now prohibits passengers in the bow area of similar boats while the boat is in motion. This reduces the boat capacity by two (2) passengers. Malibu will provide updated capacity labels and warnings stickers reflecting this new safety policy.

**Models Affected**

Malibu has determined that the Response LX and similar models\* designed by Malibu Boats West, Inc., may be particularly susceptible to this kind of accident. Therefore, for the following models, Malibu now prohibits passengers in the bow area while in motion:

- 1986 – 2002 Sunsetter
- 1989 – 1994 Euro-f3 Sunsetter
- 1990 – 1993 Mystere 215LX Euro-f3
- 1993 – 1998 Echelon LX
- 1995 – 2014 Response LX
- 1998 – 2003 Sportster LX
- 1999 – 2006 Sunsetter LXi
- 2002 – 2007 Sunsetter (23) XTi
- 2003 – 2008 Sunsetter 21 XTi
- 2003 – 2011 Response LXi

**What You Should Do**

For the boats listed above:

1. **DO NOT allow passengers in the bow area when in motion.**
2. Enter your boat information at [www.malibuboats.com/safeboating](http://www.malibuboats.com/safeboating). Malibu will send you warning stickers and an updated maximum capacity label specific to your boat.
3. Review the enclosed safety information about how to avoid bow swamping.

*If you no longer own one of the above models:*

*Provide this information to the current owner. Or, provide Malibu with the contact information of the last known owner at [www.malibuboats.com/safeboating](http://www.malibuboats.com/safeboating).*

Issue date: July 18, 2023

**Our Commitment to Safety**

We sincerely regret that a Malibu branded boat was involved in such a tragic accident. Malibu is committed to the continuous improvement and safe enjoyment of watercraft.

We also understand that reducing your boat's seating capacity is an inconvenience, and we apologize. We do not take this action lightly; we believe it is important for your safety.

Thank you for your attention to this important matter.

Sincerely,

Jack Springer  
CEO

*\* It is possible that a combination of design factors of the 2000 Response LX may increase the likelihood or severity of bow swamping incidents in certain conditions, and that these factors may be shared by other boats designed in a similar time period.*

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## **AVOIDING BOW SWAMPING**

### **What is bow swamping?**

Bow swamping is when water comes over the front of the boat. Bow swamping has also been described as “submergence,” “flooding,” or “bow dive.” This is dangerous, potentially resulting in loss of control, capsizing, sinking, or passengers being washed out of the boat and drowning or being hit by a propeller.

### **Bow swamping can be avoided through safe boat operation.**

Improper operation is often a primary factor in bow swamping incidents. Take the following safety precautions to reduce the risk of a bow swamping incident:

#### ***Properly load and distribute weight on the boat.***

Balance weight in the bow (front) and stern (back). Too much weight in the bow compared to the stern can cause the boat to ride with the bow low in the water.

#### ***Operate in appropriate water and weather conditions.***

Most Malibu boats are designed to be used on inland or sheltered coastal waters such as canals, rivers, and small lakes with wave heights of less than one foot. Pay attention to the weather and the size of waves and wakes. Make sure when you’ve loaded the boat that you have sufficient freeboard (the distance from the water to the upper edge of the boat’s side) for the water and weather conditions.

#### ***Operate the boat to keep the bow above the water.***

Avoid maneuvers that cause the bow to dip down sharply, such as suddenly removing all throttle while on plane.

***If someone falls overboard, immediately turn off the engine to reduce the risk of hitting or cutting them with a moving propeller.***

### **Review more information on safe boating.**

Review Malibu’s guidelines for safe boating in the Safety section of the most recent Malibu Owner’s Manual at <https://www.malibuboats.com/owner-manuals>.